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JAN 16 2007

To: BPAI Hearings Fax; USPTO Central Fax No
Telephone: 571-272-9797 Fax: 571-273-0299
571-273-8300

From: Daphne Reddy
Telephone: 650 324 7037
Direct Fax: 650 324 6009
No. of Pages: 4 (including cover)
Date: January 16, 2007

Message:

Re: Appeal for: Appeal No. 2007-0090
U.S. Application No. 09/904,956
Title: SECRETED AND TRANSMEMBRANE POLYPEPTIDES
AND NUCLEIC ACIDS ENCODING THE SAME
Filed: July 14, 2001
Inventors: Avi ASHKENAZI et al.
Attorney Docket No. 39780-1618 P2C29

Attached is a **Request to Withdraw an Appeal**, and to expressly abandon the above-identified application. Also enclosed is the **Notice of Hearing** with confirmation as required.

Please let me know if you need any further information or assistance in this matter.

Yours truly,


Panpan Gao
on behalf of Daphne Reddy

SV 2255094 v1
1/16/07 3:26 PM (39780.1618)

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JAN 16 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------------|---|--|
| In re application of: |) | Examiner: Chernyshev, Olga |
| |) | |
| Avi ASHKENAZI, et al. |) | Art Unit: 1649 |
| |) | |
| Application Serial No. 09/904,956 |) | Confirmation No: 4189 |
| |) | |
| Filed: July 14, 2001 |) | Attorney's Docket No. 39780-1618 P2C29 |
| |) | |
| For: SECRETED AND |) | Customer No. 35489 |
| TRANSMEMBRANE POLYPEPTIDE |) | |
| AND NUCLEIC ACIDS ENCODING |) | |
| THE SAME |) | |

VIA FACSIMILE
DATE: JANUARY 16, 2007

ON APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
REQUEST TO WITHDRAW APPEAL BY APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

On August 30, 2005, the Examiner made a Final Rejection to pending Claims 42-46 and 49-51. A Notice of Appeal was filed on November 29, 2005, and Appellants' Appeal Brief was filed on February 28, 2006. A revised Appeal Brief was filed May 30, 2006. An Examiner's Answer was mailed on June 19, 2006, and an Appellants' Reply Brief was filed on August 21, 2006.

Appellants hereby request that the appeal be withdrawn, and that the above-identified application be expressly withdrawn as of the filing date of this paper.

-1-

Request to Withdraw Appeal
Application Serial No. 09/904,956
Attorney's Docket No. 39780-1618P2C29

I am the attorney or agent of record.

Respectfully submitted,

Date: January 16, 2007

By: 

Panpan Gao (Reg. No. 43,626)

on behalf of Daphne Reddy (Reg. No. 53,507)

HELLER EHRMAN LLP
275 Middlefield Road
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SV 2255093 v1
1/16/07 2:45 PM (39780,1818)

-2-

Request to Withdraw Appeal
Application Serial No. 09/904,956
Attorney's Docket No. 39780-1618P2C29

JAN 16 2007

39780-1618-029.45

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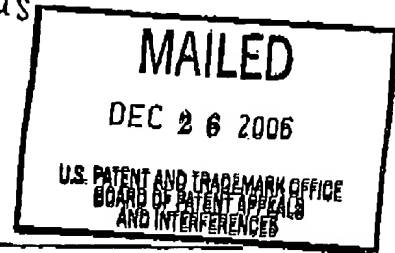
DEC 29 2006

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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences



HELLER EHRMAN, LLP
275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025-3506

Appeal No: 2007-0090
Appellant: Avi Ashkenazi et al.
Application No: 09/904,956
Hearing Room: A
Hearing Docket: A
Hearing Date: Tuesday, February 06, 2007
Hearing Time: 09:00 AM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

BEST AVAILABLE COPY

**NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. BOX 1450
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: () HEARING ATTENDANCE CONFIRMED (X) HEARING ATTENDANCE WAIVED

Appeal withdrawn

Signature of Attorney/Agent/Appellant

Date

Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
<http://www.uspto.gov/web/offices/dcom/acounsel/contacts.html#bpa contacts>

12/29/06
DOCKETED
Confirmation due 1/16/07
Oral Hearing due 2/6/07